

PUBLIC HEARING

NOVEMBER 20, 2013

A public hearing of the Council of the County of Kaua'i was called to order by Mason K. Chock, Sr., Chair, Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, on Wednesday, November 20, 2013, at 1:37 p.m., at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihue, and the presence of the following was noted:

Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Mason K. Chock, Sr.
Honorable Tim Bynum
Honorable Jay Furfaro

Excused: Honorable Gary L. Hooser
Honorable Ross Kagawa

The Clerk read the notice of the public hearing on the following:

"Bill No. 2508 - A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Licenses & Permits / Dog (Street-Use - General Fund) - \$110,000, Kaua'i Humane Society (Special Projects) - \$110,000*),"

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on October 23, 2013, and published in The Garden Island newspaper on October 30, 2013.

The hearing proceeded as follows:

Chair Chock: Before we begin, I would like to announce that Councilmember Hooser and Councilmember Kagawa are not in attendance this afternoon, they are off island. My understanding is that there is no written testimony, but we do have someone here to speak on Bill No. 2508.

SCOTT K. SATO, Council Services Review Officer: The only registered speaker is Stanley Dotario.

Chair Chock: Mr. Dotario, please join us.

There being no objections, the rules were suspended to take public testimony.

STANLEY DOTARIO: Good afternoon Mr. Chairman and members of the Council.

Chair Chock: Mr. Dotario, can you please announce your name for the record?

Mr. Dotario: Stanley Dotario.

Chair Chock: Thank you very much.

Mr. Dotario: I am surprised that no one is here because I am always watching this Dog Bill and I know there were other speakers that talked about this Bill, but I kind of was doing my own thing. There are two (2) things that I wanted to ask. I know that this was brought up before and I do not know if you folks have plans for horses and cats or is it only about the dogs right now? You folks are only going to take care about the dog problem as far as the licensing? Do you folks have plans in the future to deal with the horses and cats?

Mr. Furfaro: Committee Chair, I think you can defer that item to Councilmember Yukimura who is pursuing the item. Excuse me, sir.

Ms. Yukimura: Hi Stanley

Mr. Dotario: Aloha.

Ms. Yukimura: Thank you for being here. We are working on a Cat License and Fee Bill. We already have a Dog License Ordinance in place and I know that there was a lot of discussion about other animals. We have no plans at this time to work on that. We thought we would start with cats first and get that through. So, that is where we are now.

Mr. Dotario: Okay, thank you very much. The second thing, I am kind of concerned with and I am pretty sure you folks remember me with the cell phone. My concern is how are you folks going to enforce this? If I have one (1) dog in my front yard and I have ten (10) in the back behind a fence, how are you folks going to enforce the ten (10) dogs that I have in the back? It has to be like I have to call you folks and tell you that I have eleven (11) dogs, so I am going to pay for eleven (11) dogs? How are you folks going to enforce that? Are you folks going to go into the yard and say, "One (1), two (2), three (3), four (4)?" How are you folks going to enforce that?

Chair Chock: I will defer to Mr. Bynum.

Mr. Bynum: I am not an expert. But this is a law like many. We rely on people to comply with the law and I do not think that we have any concerted effort to go out and find dogs that are not licensed. However, if the Kaua'i Humane Society Officer or Police Officer comes across unlicensed dogs, they can either remind people that they need license or I believe that they can cite them for an unlicensed dog. We were collecting a lot of those statistics closely when dogs on the path was a controversial issue and we could certainly look at about how often we cite. But I believe that this type of a law like a licensing law is basically, most people comply and are honest. It is not something that we are probably going to put County resources in it to try to go find people who are not doing it. The Kaua'i Humane Society Officers have the ability to ticket in those animal provisions. I hope that answers your question. That is just to the best of my knowledge.

Mr. Dotario: So, it is like it is going to be an honor system I am hearing?

Mr. Bynum: Pretty much. I mean there are a lot of things...

Mr. Dotario: Well, good luck. I do not like the kind of mankind, but good luck on that.

Mr. Bynum: Yes, and what we do is we find systems to make it easier to make it easier for people to comply. So, like bike license, every bicycle is supposed to have a license.

Mr. Dotario: Yes.

Mr. Bynum: Very few people license their bikes, but now when you buy a bike from the major retailers and the bike shops, you get a license right there. So, we said, "Let us make it easy for people to comply with the law."

Mr. Dotario: It is not where you folks can just go into someone's yard. You folks are going to have to get a search warrant to go into the back of somebody's yard.

Mr. Bynum: I do not know the ins and out of that, but generally speaking, government cannot enter on people's property without permission or notification.

Mr. Dotario: Well, that was my concern. How are you folks going to enforce this? Because I am not going to say fifty percent (50%), but a person that has ten (10) dogs, I do not think that he is going to say that he has ten (10) dogs and I want to pay twenty-five dollars (\$25) a dog. That is what I am concerned about.

Mr. Bynum: Well, there is a provision in the...

Mr. Dotario: Excuse me, Mr. Bynum.

Mr. Bynum: Sorry.

Mr. Dotario: As far as the Kaua'i Humane Society, for the last three (3) weeks every Friday I went to the Kaua'i Humane Society and asked them if they can do something about my neighbor's dogs. My neighbor's dogs killed all of my grandchildren's chickens for the last ten (10) years. There is trash and everything. I get no results from them. I even talked to Penny last week and I got a call from this person that said, "Can you go take picture or better yet, if you can catch the dog." That is not my job to do that, right? I am waiting for an answer and that is why I am here, not to say anything about the Kaua'i Humane Society. But they are asking for this money, right? How are you going to do this here? You cannot even come and take care of my dog problem. How are you going to do this here? That is what I am concerned about.

Mr. Bynum: Let me just respond briefly. The Kaua'i Humane Society has had a lot of attention at the Council and I think will continue to over the next year or two (2). They have gone through transition and they have a new Director who basically said, "You are not giving us enough money to do all of the things." We have had a lot of discussion about it and questioning what the

Kaua'i Humane Society's role is and how responsive they are is a reasonable thing and I think the Council is going to continue that dialogue as I understand it. In their defense and I think Councilmember Yukimura is also working on a barking dog Ordinance which has been very controversial. I know that the Kaua'i Human Society will say, "Well, you have not given us all of the tools that we need to be more responsive to these types of complaints." But you are bringing up really important issues I think that this Council is interested in and I think that there will be follow-up so I appreciate you sharing these thoughts.

Mr. Dotario: I mean, it is kind of frustrating because...

Mr. Furfaro: Excuse me, Stan.

Mr. Dotario: Yes?


Mr. Furfaro: I need to share this, and we have a new Committee Chair. The agenda today on this item is actually a Money Bill and the public hearing is for the purpose to take testimony. So, we are hearing your questions and I will make myself available for any questions, but in our Rules, it is for taking a public testimony versus the interaction on all of the problems associated. But the agenda item is the Money Bill. It is like you asked, what is going to happen with the one hundred ten thousand dollars (\$110,000) and how much more work are they going to do? But that is the purpose of the Bill. I can make myself available to you and I am going to turn this back to the Committee Chair.

Chair Chock: Thank you.

Mr. Dotario: Thank you.

There being no further testimony on this matter, the public hearing adjourned at 1:49 p.m.

Respectfully submitted,



SCOTT K. SATO
Council Services Review Officer